

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1882 OF 2019

Amit Anantrao Salunke	 Applicant
Versus	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO.901 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.1882 OF 2019**

Ms. Keral Mehta, Advocate i/b. Satyam H. Nimbalkar, for the Applicant.

Mr. Ameet A. Palkar, APP for the Respondent-State.

Mr. Abhijit Y. Patil, Advocate for the Intervenor.

**CORAM : SARANG V. KOTWAL, J.
DATE : 07th AUGUST, 2021**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.27/2018 dated 16.3.2018 registered at Khadakwasla Police Station, Pune under sections 376 and 506 of the Indian Penal Code.

2. Heard Ms. Keral Mehta, learned counsel for the applicant, Shri Ameet Palkar, learned APP for the State and Shri Abhijit Patil, learned counsel for the Intervenor.

3. The FIR is lodged by the prosecutrix herself. She has stated that she had joined acting classes in September, 2016. That time she got in touch with the present applicant. They developed good friendship and then on one day he told the informant that he loved her and asked her whether she was willing to marry him. She accepted his marriage proposal. They started going out together. In December, 2016, the applicant took her to a lodge. Though the informant initially refused, but, she went with him. It is her case that he gave her some soft-drink because of which she felt sleepy . When she woke up she saw that both of them were not wearing clothes. It is alleged that the applicant promised that she would be treated properly and that he would marry her. Thereafter inspite of her reluctance, they had physical relations. There are allegations that the applicant threatened her that he already had some awkward photographs of the informant which he would made viral unless she consented. The FIR goes on to mention that the applicant used to make her consume pills for preventing pregnancy and under similar

threats the applicant kept physical relations with her. It is her case that between December, 2016 to December, 2017, they had regular relations but subsequently he refused to marry her. He told her that his father was a police inspector and that he would lodge police complaints against her. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that it was purely a consensual relationship. The FIR itself shows that they had their sexual relations on many occasions in a lodge and every time different names were given. Not on a single occasion the informant had lodged protest.

5. She relied on the whatsapp chats between both of them. She invited my attention particularly to pages-29, 31 and 51 of this memo. Those are the chats between April and May, 2017 wherein it appears that the informant herself was keen to have physical relations with the applicant and that she herself had refused to marry him.

6. The applicant was protected by an interim order dated 4.9.2019.

7. Learned APP submitted that the charge-sheet in this case is already filed on 2.12.2019 and the applicant's mobile phone is sent for forensic examination.

8. Learned counsel for the informant submitted that the applicant was constantly putting pressure on the informant to withdraw this case and this was causing constant harassment to the informant.

9. I have considered these submissions. I find sufficient force in the submissions of learned counsel Ms. Keral Mehta about the consensual relationship between the parties. The chatting between them also shows that the informant was not only a consenting party, but, she herself was reluctant to marry the applicant.

10. Of course, at this stage, no further comments are necessary because it is a matter of investigation and trial. But, sufficient case is made out by the applicant for grant of anticipatory bail particularly when the charge-sheet is already filed. The informant's grievance also needs to be addressed to. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.27/2018 registered with Khadakwasla Police Station, Pune, the applicant is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall not cause any harassment to the first informant. He shall not tamper with the evidence.
- (iii) The applicant shall attend all the dates in the trial Court, unless prevented by a genuine cause.
- (iv) Anticipatory Bail Application stands disposed of accordingly. With disposal of this application, Interim Application No.901/2019 does not survive and is also disposed of.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2021.08.07
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+0530

Deshmane (PS)

(SARANG V. KOTWAL, J.)